

21509



1761
17/03
17/03

Certificate of Express or First-Class Mailing

I hereby certify that I have deposited this correspondence with the US Postal Service as first-class or, if a mailing-label number is given below, as express mail addressed to Comm. of Patents, Washington, DC 20231, on the below given date.

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Wolfgang LUDWIG

Patent App. 09/808,398

Filed 14 March 2001

3/18/03 MAR 14 2003
EV031252171

Date

Express-mail label number

For METHOD OF AND APPARATUS FOR THE PROCESSING OF
MEAT

Art Unit 1761 Examiner Becker, D

Hon. Commissioner of Patents
Washington, DC 20231

Signature

RESPONSE TO REQUIREMENT FOR RESTRICTION

This is in response to the Office Action (paper-7) mailed
21 February 2003.

REMARKS:

Pursuant to the requirement for restriction, applicant
hereby provisionally elects the invention classified in Group II to
which claims 11-20 are directed.

The restriction requirement is respectfully traversed.
The claims of Group I and Group II are related as method and
apparatus.

The Examiner has asserted that restriction is proper
because the apparatus of Group II can be used as claimed to prac-
tice another materially different process which need not be limited
to meat or even food. However, that does not consider the terms of
claim 1 or the remaining apparatus claims. In considering the
apparatus, it is not the structure in gross which is significant,
but rather the structure as claimed and, as claimed the apparatus
is an apparatus for processing meat which comprises a vessel for

RECEIVED
U.S. PATENT AND TRADEMARK OFFICE
MAR 12 2003
17/03
17/03

receiving bodies of meat and in adjusting bodies of meat to distribute the treating liquid in the meat. As a consequence the structure is directed to a heating and cooling of meat and, as a consequence, the apparatus as claimed cannot be used to practice another process or a materially different process from that of the method of claim 1.

Accordingly, the restriction requirement is misplaced and an action should be given on the merits of all of the claims in the case. Favorable action is awaited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

By: 

Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

ef-

14 March 2003
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099